

REMARKS

By the foregoing amendments a correction has been made in the Corrected Substitute Specification. Claims 1-6 have also been cancelled subject to Applicants right to file a divisional application to the non-elected invention as set forth in the restriction requirement in the Office Action of June 1, 2010. Claim 7 has also been amended and new dependent claim 11 has been added. Thus, with entry of the amendments claims 7-11 remain in the application.

Applicants gratefully acknowledge the courtesy telephone interview granted to their undersigned attorney by Examiner Luan V. Van on April 26, 2011. During the telephone interview, the undersigned presented arguments distinguishing the applicants claims from the references relied upon in the outstanding rejections of the claims in the Office Action of January 27, 2011. By the above amendments independent claim 7 has been amended to recite that the process for manufacturing a metal nanotube of the invention comprises the step of contacting the surface of the cathode with a container disposed over and blocking the bottom of the penetrated hole. This is shown in Figure 3(a) and Figure 3(b). As recited in new dependent claim 11, in the form of the invention depicted in Figure 4 of the application drawings, the container includes a current collector, element 12 in Figure 4, in contact with the cathode over the bottom of the penetrated hole. The Examiner agreed that with these changes in the claims, claims 7-11 patentably define over the cited references. In particular, it was noted that the primary reference to Brumlik et al. does not disclose or suggest, 35 U.S.C. § 103, a process for manufacturing a metal nanotube including a step for contacting the surface of

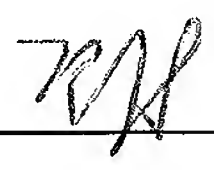
the cathode with a container disposed over and blocking the bottom of the penetrated hole as in the present invention. The Examiner agreed that with these changes in the claims, claims 7-11 are allowable over the cited prior art.

Claims 7 and 8 were rejected in the Office Action under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over the article by Brumlik, et al. as stated on pages 2-4 of the Office Action. Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Brumlik, et al. in view of Peng, et al. and Tourillon, et al. The references are combined for the reasons and in the manner stated on pages 4 and 5 of the Office Action.

These rejections are hereby traversed and reconsideration thereof is respectfully requested in view of the above amendments and remarks and the interview with the Examiner on April 26, 2011. Brumlik, et al. is deficient for the reasons mentioned above. Peng, et al. and Tourillon, et al. do not provide for the deficiencies of Brumlik, et al. In view of this, reconsideration and allowance of claims 7-11 is requested.

Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 1464.46149X00) and please credit any excess fees to such deposit account.

Respectfully submitted,

/Ronald J. Shore/ 

Ronald J. Shore
Registration No. 28,577
ANTONELLI, TERRY, STOUT & KRAUS, LLP

RJS/kmh